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(Original Signature of Member)

115TH CONGRESS
1ST SESSION

H. R.

To direct the Attorney General to establish guidelines for a model elder abuse registry and to provide grants to States for establishing and operating such a registry, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. SCHNEIDER (for himself and Ms. ROS-LEHTINEN) introduced the following bill; which was referred to the Committee on

A BILL

To direct the Attorney General to establish guidelines for a model elder abuse registry and to provide grants to States for establishing and operating such a registry, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Senior Citizen Protec-
5 tion Act of 2017”.

1 **SEC. 2. MODEL ELDER ABUSE REGISTRY.**

2 (a) IN GENERAL.—Not later than one year after the
3 date of the enactment of this Act, the Attorney General
4 shall establish guidelines for States to design and imple-
5 ment elder abuse registries.

6 (b) CONTENTS.—The guidelines established under
7 subsection (a) shall be designed to provide guidance to
8 States to do the following:

9 (1) Identify which types of individuals to place
10 on an elder abuse registry, including—

11 (A) individuals convicted of a crime involv-
12 ing elder abuse; and

13 (B) individuals found by a State agency to
14 have committed elder abuse.

15 (2) Provide, for each individual placed on the
16 registry, the information to be included for such in-
17 dividual in the elder abuse registry, including—

18 (A) the circumstances surrounding the
19 elder abuse;

20 (B) the type of abuse committed; and

21 (C) the relationship of the individual to the
22 victim.

23 (3) Prior to placement on the registry, notify
24 each individual to be placed on the registry of such
25 individual's placement on the registry.

1 (4) Provide, for each individual to be placed on
2 the registry, the opportunity to appeal placement on
3 the registry within a reasonable period of time be-
4 fore such individual's placement on the registry.

5 (5) Provide the duration of placement on the
6 registry.

7 (6) Provide for the removal of individuals who
8 should no longer be placed on the registry.

9 (7) Make elder abuse registries readily acces-
10 sible to the public, including by—

11 (A) posting the information contained in
12 the registry onto the Internet; and

13 (B) making the registry readily searchable.

14 (c) CONSULTATION.—In developing such guidelines
15 under subsection (a), the Attorney General shall consult
16 with the Secretary of Health and Human Services and the
17 appropriate public and private entities.

18 **SEC. 3. GRANTS.**

19 (a) IN GENERAL.—The Attorney General may make
20 grants to States for establishing and operating elder abuse
21 registries.

22 (b) APPLICATION.—A State may apply for a grant
23 under this section at such time and in such form as the
24 Attorney General may require.

1 (c) USE OF FUNDS.—The recipient of a grant under
2 this section shall use the funds to—

3 (1) establish an elder abuse registry that sub-
4 stantially conforms to the guidelines established pur-
5 suant to section 2; and

6 (2) enact legislation requiring entities that pro-
7 vide health care services or long-term care to elders
8 in the State to check the State elder abuse registry
9 before hiring individuals for such services to ensure
10 that such individuals have not been found by a State
11 agency to have committed elder abuse.

12 **SEC. 4. NATIONAL ELDER ABUSE REGISTRY.**

13 Beginning, not less than two years after the date of
14 the enactment of this Act, the Attorney General shall es-
15 tablish and maintain a national database of content from
16 State elder abuse registries that substantially conforms to
17 the guidelines established pursuant to section 2.

18 **SEC. 5. DEFINITIONS.**

19 In this Act:

20 (1) The term “abuse” means the knowing in-
21 fliction of physical or psychological harm or the
22 knowing deprivation of goods or services that are
23 necessary to meet essential needs or to avoid phys-
24 ical or psychological harm.

1 (2) The term “caregiver” means an individual
2 who has the responsibility for the care of an elder,
3 either voluntarily, by contract, by receipt of payment
4 for care, or as a result of the operation of law, and
5 means a family member or other individual who pro-
6 vides (on behalf of such individual or of a public or
7 private agency, organization, or institution) com-
8 pensated or uncompensated care to an elder who
9 needs supportive services in any setting.

10 (3) The term “elder” means an individual aged
11 65 years or older.

12 (4) The term “elder abuse” means the abuse,
13 neglect, mistreatment, or exploitation of an elder.

14 (5) The term “exploitation” means the fraudu-
15 lent or otherwise illegal, unauthorized, or improper
16 act or process of an individual, including a caregiver
17 or fiduciary, that uses the resources of an elder for
18 monetary or personal benefit, profit, or gain, or that
19 results in depriving an elder of rightful access to, or
20 use of, benefits, resources, belongings, or assets.

21 (6) The term “fiduciary”—

22 (A) means a person or entity with the legal
23 responsibility—

24 (i) to make decisions on behalf of and
25 for the benefit of another person; and

1 (ii) to act in good faith and with fair-
2 ness; and

3 (B) includes a trustee, a guardian, a con-
4 servator, an executor, an agent under a finan-
5 cial power of attorney or health care power of
6 attorney, or a representative payee.

7 (7) The term “neglect” means the knowing fail-
8 ure of a caregiver or fiduciary to provide the goods
9 or services that are necessary to maintain the health
10 or safety of an elder.

11 (8) The term “mistreatment” means the inap-
12 propriate use of medications, isolation, or physical or
13 chemical restraints.

14 (9) The term “State” means any of the 50
15 States, or the District of Columbia.